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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/108,506	07/01/1998	HIDEKI YASUKAWA	041-2021	2506

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/108,506

**Applicant(s)**

YASUKAWA ET AL.

**Examiner**

Jason P. Salce

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/20/2005 have been fully considered but they are not persuasive.

Applicant has amended independent claim 11 to include the limitations "wherein said two axes are perpendicular to each other thereby defining contents of said program table in a rectangular area, wherein the entire area of said rectangular area is adapted to be assigned to items defined by said two-axes attributes so that any one of various combinations of two attributes is selectable".

The examiner notes that these limitations still read on LaJoie of record. LaJoie discloses that at least two such attributes are used for two axes of a program table (see Figure 16 for channel KCBS 2 and the time attribute selected to define the channel guide 366) in a rectangular area (see channel and time axis both comprising a rectangular area, as well as both axes being encompassed in a rectangular area in Figure 16), wherein the entire area of said rectangular area is adapted to be assigned to items defined by said two-axes attributes so that any one of various combinations of two attributes is selectable (see Figure 16 for selecting a channel and time and displaying items in the listings area 366).

Claims 30 and 31 are also rejected and discussed in the Office Action below.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (U.S. Patent No. 5,850,218) in view of Ohkura et al. (U.S. Patent No. 6,005,601) in further view of Hoarty (U.S. Patent No. 6,100,883).

Referring to claim 11, LaJoie discloses program information storage means for storing program information (see memory 32 in Figure 3 and Column 13, Lines 36-65).

LaJoie also discloses program table display means comprising a display having at least two dimensions defined by designation of at least two-axes attributes (see Figure 16 for a displaying having two dimensions (time and channel) and is defined by the designation of two axes attributes (channel field and search (time, theme or title) field in Figure 16), wherein the attributes are selected from among all program information attributes (selected from different channels and either the time, theme or title field in Figure 16), and at least two such attributes are used for two axes of a program table (see Figure 16 for channel KCBS 2 and the time attribute selected to define the channel guide 366), wherein said two axes are substantially perpendicular to each other thereby defining the contents of said program table in a rectangular area, wherein the entire area of said rectangular area is adapted to be assigned to items defined by said two-axes attributes so that any one of various combinations of two attributes is selectable (see Figure 16 for the channel field and search (time, theme or

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title) field being perpendicular to each other). LaJoie discloses the added limitations of at least two such attributes are used for two axes of a program table (see Figure 16 for channel KCBS 2 and the time attribute selected to define the channel guide 366) in a rectangular area (see channel and time axis both comprising a rectangular area, as well as both axes being encompassed in a rectangular area in Figure 16), wherein the entire area of said rectangular area is adapted to be assigned to items defined by said two-axes attributes so that any one of various combinations of two attributes is selectable (see Figure 16 for selecting a channel and time and displaying items in the listings area 366).

LaJoie also discloses attribute input means adapted to input attributes of two axes used for two-dimensionally displaying the program table so that any two attributes are selectable by a user from among all the program information attributes (see remote control 59 in Figure 3 and Column 24, Lines 34-51 and Figure 16), thereby allotting the two selected attributes, respectively, to each of the two attribute axes such that various combinations of two axes attributes provide various different two dimensional program tables (see Column 23, Lines 44-66 and Figure 16).

LaJoie also discloses program table making means for retrieving program information from program information stored in the program information storage means on the basis of said input attributes to make the program table, said program information display means is adapted to display the program table created by the program table making means (see Figure 16 for an Interactive Program Guide, Column 13, Lines 45-47 for the IPG data being stored in memory 32 and Column 25, Lines 61-

67 and Column 26, Lines 1-16 for pressing the guide button to access the program guide displayed in Figure 16).

LaJoie fails to disclose means to select three-axes attributes of the program table by a user to display information as a three-dimensional shape.

Ohkura teaches a means to select three-axis attributes of the program table by a user (see Column 5, Lines 56-59 and Column 6, Lines 6-10 for inputting an X, Y and Z selection using a remote control).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the interactive program guide, as taught by LaJoie, using the three-axis attributes, as taught by Ohkura, for the purpose of allowing the user to select a desired program or program information rapidly and reliably (see Column 2, Lines 14-15 of Ohkura).

LaJoie and Ohkura fail to disclose displaying the EPG as a three dimensional shape.

Hoarty teaches a three-dimensional shaped EPG used to display program choices after selecting multiple search attributes (see Column 18, Lines 63-67 and Column 19, Lines 1-19 and 24-43).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the two-dimensional EPG, as taught by Ohkura, by utilizing the three-dimensional EPG, as taught by Hoarty, for the purpose of providing a more aesthetic and efficient menu for the user to make programming selections.

Claim 31 corresponds to claim 11, where LaJoie further discloses that the

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program information includes an index for retrieving a program (see Figure 16 for the selectable programs having an index for retrieving a program), transmitting and/or receiving said program information (see Column 10, Lines 8-10 and Lines 25-26 for the headend generating program guide information and Column 10, Lines 42-46 for providing the program guide to the user over a communications channel), and maintaining a user attribute, that is adapted to retrieve program information (see Figures 9-10 for maintaining a user's favorite channel attributes, which is used to retrieve a favorite channel program list, when accessed by the user), including said index for retrieving a program on the basis of the user attribute, at the receiver side (see again Figures 9 and 10, which use the favorite channel list, which includes an index to retrieve a program on the basis of the user's favorite attributes, at the receiver side).

3. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (U.S. Patent No. 5,850,218) in view of Ohkura et al. (U.S. Patent No. 6,005,601) in further view of Hoarty (U.S. Patent No. 6,100,883) in further view of Hendricks et al. (U.S. Patent No. 5,659,350).

Referring to claim 30, LaJoie, Ohkura and Hoarty teach all of the limitations in claim 11, but fail to teach the means for transmitting, classifying and second transmitting means specified in the claims.

Hendricks teaches classifying program information by using a client's responses and only transmitting the program information that has been specified by the client's responses (see Column 15, Lines 28-55 and Figure 8).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television program information distribution system, as taught by LaJoie, Ohkura and Hoarty, using the viewer response television program packaging system, as taught by Hendricks, for the purpose of providing a system for efficiently organizing television programs to be offered to viewers (see Column 4, Lines 6-9 of Hendricks).

Referring to claims 31-33, see the rejection of claim 30.

***Allowable Subject Matter***

4. Claims 1, 3-9, 12-18, 20-30 and 32 are allowed, for the reasons stated in the previous Office Actions.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce  
Patent Examiner  
Art Unit 2614

August 15, 2005



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